S.B.CIVIL WRIT PETITION NO.4197/2007

Deva Ram
v.
State of Rajasthan & Ors.

Date of Order :: 14th August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.K.Chouhan, for the petitioner.

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By this petition for writ a challenge is given by the petitioner to the order dated 23.2.2006 passed by learned Additional Collector, Sirohi accepting a revision petition preferred under Section 97 of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as "the Act of 1994"). By the order impugned learned Additional Collector, Sirohi set aside the patta dated 10.12.2003 issued by Gram Panchayat Badgaon in favour of the petitioner. While doing so the Additional Collector remanded the matter to the Gram Panchayat to decide the matter afresh in accordance with the Rajasthan Panchayati Raj Rules, 1996 (hereinafter referred to as "the Rules of 1996").

The contention of counsel for the petitioner while giving challenge to the order dated 23.2.2006 is that before issuing patta dated 10.12.2003 entire process as prescribed under the Rules of 1996 was adhered and the Additional Collector erred while holding that there was violation of provisions of the Rules of 1996.

On minute examination of the order impugned I found that the Additional Collector thoroughly examined record of the Gram Panchayat and then reached at the conclusion that the mandatory provisions of the Rules of 1996 were not adhered while making allotment of land in favour of the petitioner. After reaching at such finding the Additional Collector has remanded the matter to Gram Panchayat to decide the application submitted by the petitioner afresh. I do not find any error in the order impugned that may warrant interference of this Court under Articles 226 and 227 of the Constitution of India.

The writ petition, thus, is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.